

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
Defendant.)	

STIPULATION AND ORDER EXONERATING SUPERSEDEAS BOND

Plaintiff ePlus Inc. (“ePlus”) and Defendant Lawson Software, Inc. (“Lawson”), by and through their undersigned counsel, do hereby stipulate and agree to the following:

WHEREAS, on September 9, 2013 the Court granted the Motion to Approve Lawson’s Supersedeas Bond and Stay the Enforcement of the Court’s Order Entering Judgment for Damages pending Appeal and to Stay Execution on Said Judgment Pending the Determination of This Motion (D.I. 1102); and

WHEREAS, Lawson submitted an approved supersedeas bond to the Office of the Clerk on September 11, 2013; and

WHEREAS, Lawson has paid in excess of \$100,000 in bond premium costs since September 9, 2013, and will continue to incur premium costs so long as the supersedeas bond is maintained; and

WHEREAS, Local Civil Rule 62(B) of the Rules of the Eastern District of Virginia provides that “the premium of any bond will be taxed as part of the costs,” and

WHEREAS, on July 25, 2014, the U.S. Court of Appeals for the Federal Circuit issued a judgment that “the district court’s injunction and contempt orders are vacated. The case is remanded with instructions to dismiss” (D.I. 1110); and

WHEREAS, on August 25, 2014, ePlus filed a Combined Petition for Panel Rehearing and/or Rehearing En Banc, the effect of which is to delay issuance of the mandate; and

WHEREAS, ePlus and Lawson have agreed to a procedure to minimize incurring further taxable costs associated with payment of supersedeas bond premiums,

NOW, THEREFORE, it is stipulated and agreed that:

1. The stay of execution of the money judgment in favor of ePlus (D.I. 1102) shall remain in effect during and throughout the pendency of the appeal to the Federal Circuit, and the implementation of any relief required by appellate mandate upon remand to the District Court.

2. Lawson is released from any further obligation to maintain a supersedeas bond in this case. The supersedeas bond filed with the office of the clerk on September 11, 2013 (D.I. 1105) is exonerated and discharged.

It is SO ORDERED this ____ day of September, 2014

Richmond, Virginia

Robert E. Payne
Senior United States District Judge

SEEN AND AGREED:

/s/

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